

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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BRYAN FICKER,

Plaintiff,

v.

Civil Action No. 11-CV-1044

AMERICAN CREDIT CONTROL CORPORATION

Defendant.

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**AFFIRMATION OF SETH J. ANDREWS, ESQ IN RESPONSE TO THE COURT'S  
TEXT ORDER OF JUNE 20, 2012 ORDERING PLAINTIFF TO SHOW CAUSE  
WHY THE MATTER SHOULD NOT BE DISMISSED FOR FAILURE TO  
PROSECUTE**

I, Seth Andrews, declare:

1. I am an attorney for the Plaintiff in this case.
2. The Complaint was filed with this Court on December 8, 2011 and served on the Defendant via the Secretary of State on December 19, 2011.
3. On or about March 2012, attorney Frank Fabiano, contacted my office with respect to the above captioned matter. He stated that he had been retained as counsel for the Defendant and inquired as if a potential settlement could be reached between the parties.
4. In an effort to avoid litigation costs, the parties agreed to work to attempt to resolve the matter without the need of the Defendant filing an immediate Answer to Plaintiff's Complaint.

5. Unfortunately, just as the parties were progressing towards an amicable resolution, Mr. Fabiano became seriously ill and his condition was such that he needed to take an extended leave of absence for the past few months.

6. As result of Mr. Fabiano's absence, communication between the parties was temporarily halted.

7. However, Mr. Fabiano just recently returned to his office and has expressed to me that his client is still willing to work resolve the matter.

8. Therefore, Plaintiff respectfully requests that the Court grant the Plaintiff an additional 30-days to allow the parties to finalize a resolution to this matter or in the alternative, allow for Defendant to file an Answer to the Plaintiff's Complaint.

Dated: July 20, 2012  
Amherst, New York

s/Seth J. Andrews  
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